

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 20 2006

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES TROIANO,

Defendant - Appellant.

No. 06-10573

D.C. No. CR-05-00261-HG
District of Hawaii,
Honolulu

ORDER

Before: Peter L. Shaw, Appellate Commissioner

Appellant's motion to proceed in forma pauperis, forwarded to this court by the district court, is granted.

Appellant's motion for appointment of counsel is also granted. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order by facsimile transmission on Magistrate Judge Barry M. Kurren, U.S. District Court for the District of Hawaii, P.O. Box 50122, Honolulu, Hawaii 96850, (FAX: (808) 541-3500), who will locate appointed counsel. Magistrate Judge Kurren may wish to consider appointing Walter R. Schoettle, Esq., appellant's previously retained counsel, who is willing to represent appellant on appeal. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 556-6228) within 14 days of locating counsel.

The court, on its own motion, expedites the briefing and hearing of this appeal. The provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to this

EXHIBIT "A"

06-10573

appeal. Any motions to extend time to file the briefs will be strongly disfavored.

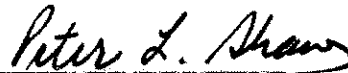
New counsel shall designate the reporter's transcript by November 15, 2006. The transcript is due December 15, 2006. Appellant's opening brief and excerpts of record are due January 24, 2007; appellee's answering brief is due February 23, 2007; and the optional reply brief is due within 14 days after service of the answering brief.

The Clerk shall also serve a CJA Form 24 and a certified copy of this order on counsel Schoettle. *See* 28 U.S.C. § 753(f). If appellant is seeking transcripts of proceedings requiring special authorization, that authorization should be obtained from the district court. *See* VI Guide to Judiciary Policies & Procedures § 13.6.1.b.(2)(a)-(g).

Upon filing the transcripts, the court reporter shall submit the CJA Form 24 to this court for payment.

The Clerk shall amend the docket to reflect appellant's pauper status.

The Clerk shall serve this order on former counsel Walter R. Schoettle, Esq.

A handwritten signature in black ink, reading "Peter L. Shaw". The signature is written in a cursive style with a horizontal line extending from the end of the name.

General Order 6.3(e)